UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,217	11/19/2001	Robert M. Zeidman	M-8637-1P US	9153

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EXAMINER
LUU, CUONG V

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/044,217	ZEIDMAN, ROBERT M.
	Examiner	Art Unit	
	Cuong V. Luu	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 September 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,5-14,17,18 and 25-63* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *17,18 and 57-63* is/are allowed.

6) ☒ Claim(s) *1,2,5-14 and 25-56* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-2, 5-14, 17-18, and 25-63 are pending. Claims 1-2, 5-14, 17-18 and 25-63 have been examined. Claims 17-18 and 57-63 have been indicated allowable. Claims 1-2, 5-14, 25-36, and 37-56 have been rejected.

Response to Arguments

1. Applicant's arguments, see page 17, filed 9/6/2006, with respect to the U.S.C. 112, 2nd paragraph rejections of claims 1-2, 5-14, and 25-56 have been fully considered and are persuasive. The U.S.C. 112, 2nd paragraph rejections of claims 1-2, 5-14, and 25-56 have been withdrawn.

2. Applicant's arguments, see pages 18-19, filed 9/6/2006, with respect to the U.S.C. 112, 1st paragraph rejections of claims 34 and 56 have been fully considered but they are not persuasive. Even though it could be obvious that "removing a preamble when transferring a data packet from the network to the circuit simulation, one skilled in the art would be enabled by these teachings to insert a preamble when sending a data packet in the reverse direction", the applicant has to actually teach that because a hardware or software has to be involved to perform this step and teaching of removing does not guarantee the teaching of inserting because they are 2 separate teachings for data transfer involving different methods of implementing either hardware or software. The U.S.C. 112, 1st paragraph rejections of claims 34 and 56, therefore, remain.

3. Applicant's arguments, see pages 20-21 filed 9/6/2006, have been fully considered but they are not persuasive. The applicant argues that Lin does not teach "simulation being carried

out by a program executing in a host computer, the simulation includes simulating the electronic devices' interaction with the network. Lin actual teaches a co-verification system that includes a host PC and a reconfigurable computing hardware array to emulate an electronic device, wherein the host PC is used to simulate the software of portion and control the simulation of the emulated electronic device (col. 22, lines 13-18; and col. 21, lines 33-47). In addition, the simulation system provides interaction communication among the host PC, emulated electronic device, and target system and I/O devices (col. 21, lines 33-47). Therefore, these teachings fit with the claim's teaching of "simulation being carried out by a program executing in a host computer, the simulation includes simulating the electronic devices' interaction with the network". The applicant also argues that col. 11, lines 40-44 does not teach "receiving" or "transmitting". It is actually taught in col. 11, lines 38-44, that software clock provides synchronization necessary to process incoming and outgoing data. These "incoming" and "outgoing data" imply receiving and transmitting data. Claim 1, therefore, remains rejected.

4. The applicant argues that since claims 2, 25-26, 37-38, and 47-48 are dependent on claim 1, which is argued allowable, these claims should be allowable. Since claim 1, remains rejected as discussed in item 3 above, claims 2, 25-26, 37-38, and 47-48 remain rejected.

5. The applicant argues that since claims 5-14, 27-33, 35-36, 39-46, and 49-55 are dependent on claim 1, which is argued allowable, these claims should be allowable. Since claim 1, remains rejected as discussed in item 3 above, claims 5-14, 27-33, 35-36, 39-46, and 49-55 remain rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 25-26, 37-38, and 47-48 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lin et al (U.S. Patent 6,389,379 B1).

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

6. As per claim 1, Lin et al teach a method for simulating an electronic device that interacts

with a network, the simulation being carried out by a program executing in a host computer,

the simulation includes simulating the electronic device's interaction with the network (col.

22, lines 13-18; and col. 21, lines 33-47), the method comprising executing instructions on

the host computer for:

(a) receiving data packets designating the electronic device from the network through a

network interface (col. 11, lines 38-44); and

(b) transmitting the data packets to the simulation through a software interface to provide

data packets for simulating the electronic device's interaction with the network (col. 11, lines

38-44).

7. As per claim 47, it is different to claim 1 only that a computer readable medium having

computer instructions to perform in a computer. The host system is a computer. It, of course

needs instructions to perform tasks in this claim, and this host has memory, which is a

computer readable medium to carry out these tasks. This claim is, therefore, rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claims 5, 27, 39 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lin et al as applied to claims 2, 26, 37 and 47 above, and further in view of Gagne et al

(U.S. Patent 5303347).

Claim 6, 28 and 40, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin

et al as applied to claims 2, 26 and 37 above, and further in view of Lakshman (IEEE/ACM

Transaction on Networking, Vol. 5, No. 3, June 1997).

Claim 7-9, 29-31, 41-43, and 51-53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lin et al as applied to claims 2, 25, 37, 47 above, and further in view of

Watanabe et al (U.S. Patent 5,761,486).

Claims 10, 32, 44, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lin et al as applied to claims 1, 25, and 47 above, and further in view of Chu et al (ACM, 0-

89791-089-3/83/0300-0170, 1983).

Claims 11-12, 33, 45-46, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lin et al as applied to claims 1, 25, 37, and 47 above, and further in view of Nicol

(U.S. Patent 6757367B1).

Claims 13-14 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lin et al as applied to claims 1 and 25 above, and further in view of Hrischuk et al (U.S.

Appl. 08/937,023).

Claims 34 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al

as applied to claims 25, 33, 47 and 55 above, and further in view of Teich et al, herein

Teich, (U.S. Patent 6,229,808 B1).

8. As per claim 34, Lin does not teach modifying includes inserting a preamble in a data

    packet.

    Teich teaches this limitation (col. 2, lines 26-31).

It would have been obvious to one of ordinary skill in the art to combine the teachings of

Lin and Teich. Teich's teachings would have provided a method of communication for a

packet-switching computer for internal data transfer (col. 1, lines 38-44. The local header

added mentioned in these lines is the preamble).

9.   As per claim 56, this limitation has already been discussed in claim 34. It is, rejected for the

same reasons.

Allowable Subject Matter

Claims 17-18 and 57-63 are indicated allowable. The text of those sections not included in

this action can be found in a prior Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Cuong V. Luu whose telephone number is 571-272-8572. The examiner

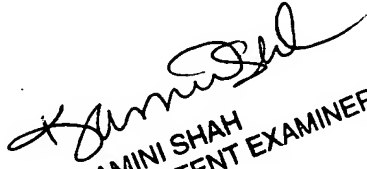can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kamini Shah, can be reached on 571-272-2279. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300. An inquiry of a

general nature or relating to the status of this application should be directed to the TC2100

Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CVL

KAMINI SHAH
SUPERVISORY PATENT EXAMINER